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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,653	04/04/2006	Richard Kulak	60469254OT5282	7623

64779 7590 11/24/2006

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EXAMINER

KRUER, STEFAN

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/574,653	Applicant(s) KULAK ET AL	
	Examiner Stefan Krueer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4 April 2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 9 – 12, 14 – 15 and 17 rejected under 35 U.S.C. 102(b) as being anticipated by Jamieson et al (5,810,120).

Re: Claims 1 – 3, Jamieson et al disclose:

- A roller guide device (100, Fig. 3),
- A base (108),
- At least one roller (110) supported by the base such that the roller is rotatable about a roller axis and moveable relative to the base (Fig. 6 and 14) in at least one direction perpendicular to the roller axis,
- A damper (11, 13, Fig. 1 and 108, Fig. 5) that has selectively variable stiffness and dampens the relative movement of the roller,
- A controller (20, Fig. 1) that automatically controls the stiffness of the damper,
- An elevator car motion indicator (150, 180, 148, Fig. 7 and Col. 6 Line 55) in communication with the controller, wherein the controller changes the damper stiffness responsive to a detected level of motion.

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Re: Claim 9, Jamieson et al disclose:

- A plurality of rollers (104, 106, 110, Fig. 3) and a variable stiffness damper (102, 108, Col. 4, Line 55) associated with each of the rollers and a controller (20) that individually controls the stiffness of each of the dampers.

Re: Claims 10 - 12, Jamieson et al disclose:

- A car frame (12, Fig. 1),
- At least one roller (30, 32) supported for vertical movement with the frame, rotatable movement relative to the frame and lateral movement relative to the frame,
- A selectively variable stiffness damper (26, Fig. 1) that dampens the lateral movement of the roller relative to the frame,
- A controller (20) that automatically varies the stiffness of the damper based on the vibration level (Coil. 1, Line 29).

Re: Claims 14 – 15, Jamieson et al disclose:

- A method of controlling lateral movement of an elevator car assembly (12, Fig. 1) having at least one roller (30, 32) for riding along a guide rail (14, 16) to facilitate vertical movement of the car assembly, by selectively and automatically varying an ability of the roller to move laterally to the car assembly (Col. 4, Lines 11 – 29);
- Wherein a damper (11, 13, 26, 28, Col. 3, Lines 45 - 58), to dampen lateral movement of the roller relative to the car assembly and the method includes selectively varying the stiffness of the damper.

Re: Claim 17, Jamieson et al disclose:

- A plurality of rollers (30, 32) and associated dampers (11, 13 with 26, 28, respectively) that dampen lateral movement of the rollers and the method includes individually controlling the dampers (Col. 3, Line 45 and 50, as well as Col. 4, Lines 43 – 51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 – 8, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamieson et al in view of Fujita (JP-05116869).

Re: Claims 4 and 13, Jamieson et al disclose their damper having either a spring in compression or tension (Col. 6, Line 66 – Col. 7, Line 7) in combination with a solenoid to provide coarse variable stiffness in combination with electromagnets for finer control.

Attention is directed who teaches his damper (20) including a fluid (22) having a variable viscosity whereby a greater, finely controlled range of damping is afforded in a compact device.

It would have been obvious to one of ordinary skill in the art to modify the reference of Jamieson et al with the teaching of Fujita to utilize a fluid having a variable viscosity to obtain a greater range of selective damping for enhanced rider comfort and simplicity.

Re: Claims 5 - 6 and 16, Fujita teaches the damper fluid comprising a magneto-rheological fluid responding to an field generator (23), thereby a magnetic field, in order to vary the viscosity of the fluid whereby damping can be finely controlled.

It would have been obvious to one of ordinary skill in the art to modify the reference of Jamieson et al with the teaching of Fujita to utilize a magneto-rheological fluid responding to a magnetic field for the enhancement of rider comfort.

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Re: Claims 7 and 8, Fujita teaches his field generator (23) controlled by a controller (25) for the purpose of varying the viscosity of the damping fluid and thereby the damping effect in finer response to vibrations, for the enhancement of rider comfort.

It would have been obvious to one of ordinary skill in the art to modify the reference of Jamieson et al with the teaching of Fujita to utilize a controller to provide a damping effect attuned to a narrower range of vibration for enhanced responsiveness and, consequently, improved rider comfort.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al (6,318,522) and Stewart et al (5,816,587) are cited for references of an apparatus and method comprising rotary and linear dampers using a magnetorheological fluid in combination with a field generator for damping of automotive suspension and steering systems, respectively.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571.272.6928. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

11 November 2006


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